

REMARKS

Claims 1, 32, 37, 40, and 41 have been amended to clarify the subject matter regarded as the invention. Claims 1-41 are pending.

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected Claims 1-19, 21-22, 32-33, 35, and 37-41 under 35 U.S.C. §103(a) as being unpatentable over Konia (US 7,225,151); Claims 20 and 23-31 under 35 U.S.C. §103(a) as being unpatentable over Konia in view of Seshadri (“Multiple Source Procurement Competitions”); and Claims 34 and 36 under 35 U.S.C. §103(a) as being unpatentable over Konia in view of Bezos (US 6,606,608). The rejections are respectfully traversed.

As amended, independent Claims 1, 32, 37, 40, and 41 each recite that the first allocation amount and second allocation amount are different. In contrast, in each example in Konia (a tee time; a plane seat; a position on a page), a single item is awarded to each bidder. Independent Claims 1, 32, 37, 40, and 41 are therefore believed to be allowable.

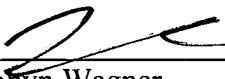
Claims 2-31, 33-36, and 38-39 depend, either directly or indirectly, from one of the aforementioned independent claims and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

Dated: 2/9/09



Robyn Wagner
Registration No. 50,575
V 408-973-2596
F 408-973-2595

VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014